IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 25134 of 2004

Between:

D. Rajanna, S/o Pochetty,Driver, E.No.301135
C/o Mancherial Bus Depot, Mancherial, Adilabad District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Adilabad Region, Adilabad District.
2 The Divisional Manager, APSRTC, Adilabad Region, Adilabad District.
3 The Depot Manager, APSRTC, Mancherial Bus Depot, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in issuing the Proceedings No. 01/95 (14)96-MNCL, dated11-11-1998 as illegal, arbitrary and unjust and consequently set aside the Proceedings No. 01/95 (14)/96-MNCL, dated 11-11-1998 issued by the 3rd respondent.

Counsel for the Petitioner:MR.G.RAVI MOHAN

Counsel for the Respondent No.: SMT.P.RAJANI REDDY, STANDING COUNSEL FOR APSRTC

The Court at the stage of admission, made the following :

ORDER:

Heard both the counsel.

The petitioner questions the order dated 11.11.1998 imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in S.K.MASTAN V.MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year which shall not have the effect of postponing the future increments. No costs.

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31.12.2004

bsv

To

1 The Regional Manager, APSRTC, Adilabad Region, Adilabad District.
2 The Divisional Manager, APSRTC, Adilabad Region, Adilabad District.
3 The Depot Manager, APSRTC, Mancherial Bus Depot, Adilabad District.

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